

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

ERNEST LANE TRIBBLE,  
Plaintiff,

v.

DR. WILLIAM R. KINCAID, *ET AL.*,  
Defendants.

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NO.2:12-CV-279

**ORDER**

This medical malpractice case was closed by order of the Court on February 8, 2013. Now before the Court is a petition filed by plaintiff which makes various unsubstantiated allegations against defense counsel, including that he is “guilty of criminal contempt and should be sanctioned and punished” because counsel “knowingly made various misrepresentations to the Court and suborned perjured testimony.” It is clearly settled that Federal Rule of Civil Procedure 12(f) permits a court to “order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” The court may strike portions of the pleading acting on its own initiative or “on a motion made by a party ... before responding to the pleading.” *Id.* Courts are given considerable discretion in deciding whether to strike portions of pleadings under Rule 12(f). *Thompson v. Hartford Life And Acc. Ins. Co.*, 270 F.R.D. 277, 279 (W.D.Ky. 2010). Courts have generally decided to strike portions of a pleading for being impertinent or scandalous only where the language is extreme or offensive. *Id.*

The Court FINDS that the language used in this petition is scandalous and extreme. Accordingly, it is hereby **ORDERED** that this petition, [Doc. 26], is **STRICKEN** from the record.

Inasmuch, as the petition has been stricken, the response to that petition is also **ORDERED** stricken. [Doc. 27]. Furthermore, plaintiff's counsel has attempted ex parte communications with the Court about this matter. Such contact is improper and plaintiff's counsel is admonished that he cannot engage in such conduct and should never forward a copy of correspondence with opposing counsel to the Court.

So ordered.

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE